

**Board of Selectmen's Meeting Minutes**  
**October 21, 2010**  
**Harpswell Town Office**  
Approved on October 28, 2010

Page 1 of 4

At 5:30 p.m. the Board met to handle administrative matters: James Hays, Harbormaster, reviewed proposed amendments to the Harbor & Waterfront Ordinance; the Board schedule was reviewed; the updated draft Circuit Breaker Program Ordinance as reviewed by the attorney was provided to the Board; and the Board requested to have the Selectmen's Meeting Participation Policy on the next regular agenda.

**Selectmen Present:** James S. Henderson, Mark E. Wallace and Elinor Multer

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Marguerite Kelly, Treasurer; and Jason Marshall, Interim Code Enforcement Officer

**Call to Order and Pledge of Allegiance:** The meeting was called to order at 6:40 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

**1. Adoption of the Agenda:** Chairman Henderson moved, seconded by Selectman Wallace to adopt the agenda as amended by moving item 8 to follow item 2 and deleting item 14; motion passed 3-0.

**2. Public Comment:** None.

**8. Cumberland County Charter:** Malory Shaughnessy, County Commissioner, stated this is the County's first ever proposed charter and it's the County's 250<sup>th</sup> anniversary. Ms. Shaghnessy reviewed the highlights of the proposal including: increasing commissioners from 3 to 5; eliminating the treasurer position and registrar of deeds and replacing them with professional hired positions; and allowing voters to make changes by referendum instead of requiring a legislative change through Augusta. The process started two years ago with the establishment of the Charter Commission that has worked very hard on finalizing this proposal. Cumberland County has 280,000 residents and 28 municipalities. Ms. Shaghnessy believes the increase of Commissioners will be beneficial to the smaller communities. Chairman Henderson asked if this proposal included any costs to municipalities and if it would infringe on local control; Ms. Shaghnessy responded no monetary impact and that the County is here to assist towns in saving money and with support without any new required mandates. Joe Leblanc questioned if there were any new positions; Ms. Shaghnessy responded two new Commissioners but the savings from eliminating the elected treasurer will cover those stipends. Mr. Leblanc questioned how this charter may impact a small town like Harpswell that tends to be outvoted by others e.g., Portland. Ms. Shaghnessy responded the increase in Commissioners will give small communities a greater voice.

**3. Town Administrator's Report:** Administrator Eiane announced that Election Day is November 2 and voters can vote by absentee now or at the polls on November 2 from 9:00 a.m. to 8:00 p.m. at the three locations. Administrator Eiane announced there will be a grand re-opening ceremony of the Cribstone Bridge on November 20 at 11:00 a.m., including speakers and crossing of antique cars. Administrator Eiane reported that the Federal Emergency Management Agency (FEMA) has withdrawn the proposed flood maps for Cumberland and York Counties. FEMA has sent Senator Snowe's Office a letter explaining that there is an expectation that municipalities will sign a project charter by January 2011 or the maps will be back in play – however, municipalities haven't seen the proposed charter yet. Administrator Eiane reported she attended a meeting in Portland and that about 8 communities have agreed to split the costs to have Robert Gerber represent the municipalities for any general follow up with FEMA during this process and split the costs equally. Harpswell has about \$700 remaining from the appropriated \$20,000 and contingency may be needed plus Administrator Eiane has budgeted for follow up in the 2011 budget. Chairman Henderson stated that with the assistance of the senators and legislators, municipalities will hopefully be able to resolve these flood plain issues. There was a discussion regarding the pro-rating of Gerber services.

**4. Selectmen's Announcements:** Selectman Multer stated she has reviewed the proposed charter for Cumberland County and encouraged the public to vote for it on November 2. Chairman Henderson announced that the Brunswick Housing Authority is holding an open house at the Hamilton Place Subdivision on Shore Acres Road on October 26 and the public is welcome.

**5. Approval of the Minutes:** Chairman Henderson moved, seconded by Selectman Multer to approve the minutes of 10/7; motion passed 3-0.

**6. Treasurer's Report:** Marguerite Kelly, Treasurer, reviewed her report for the month of September. Ms. Kelly reported there are about 20 properties in need of paying their 2008 property taxes by December 15 to avoid the foreclosure process. The property owners will receive a statutory notice on November 1 and have received a pre-notice in the past couple of weeks. Ms. Kelly reported the interest for the most recent Maine Municipal Bond Bank borrowing is at 2.81%, resulting in a decrease from the originally estimated debt service cost for 2011.

#### **7. Wharf Applications**

- **Christopher and Tracey Wagner, Map 16, Lot 60, 64 Ash Cove Road:** The hearing was opened at 7:19 p.m. Jason Marshall, Interim Code Enforcement Officer, stated the Board tabled the item to allow the abutter time to review the proposal and to his knowledge, the issues have been resolved. No one spoke from the public and the hearing was closed at 7:20 p.m. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not constitute a hazard to navigation or affect the rights of others; motion passed 3-0.
- **Hyman Gulak, Map 52, Lot 154, 88 Laurel Cove Road:** The hearing was opened at 7:22 p.m. Jason Marshall reviewed the item that had been previously tabled pending resolution of how the general public would cross the intertidal zone with this floating walk. Mr. Marshall explained the owner's agent submitted a revised drawing showing a portion of railing removed for public passage. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not constitute a hazard to navigation or affect the rights of others; motion passed 3-0.

**9. Public Hearing Regarding : General Assistance Ordinance Maximums:** The hearing was opened at 7:10 p.m. Administrator Eiane explained the Town offers a public assistance program through a partnership with the State of Maine to assist in household basic necessities, including heat, shelter and food. The State annually issues certain maximum levels of support a municipality can provide and this year, for example, a single person household with less than \$655/month of income for expenditure could qualify for assistance. Administrator Eiane explained staff will connect any and all applicants with the available resources such as supplemental nutrition assistance program, etc. Administrator Eiane recommended the adoption of appendix A for overall maximums and B for food maximums and not C as it is lower than typical rentals in Harpswell. Chairman Henderson noted the State reimbursed the Town 50% of its costs associated with the General Assistance Program. Chairman Henderson moved, seconded by Selectman Multer to adopt Appendix A and B; motion passed 3-0.

**10. Update on Harbor Management Plan:** Jim Hays, Harbormaster, introduced Noel Musson, consultant for the Harbor Management Plan. Mr. Musson reviewed what he, the Harbor & Waterfront Committee, and the Harbormaster have been working on and provided an overview.

**11. Harbormaster Report:** Jim Hays, Harbormaster, stated he is pleased with the work on the Harbor Management Plan and is excited to see it come to fruition and perhaps be adopted by Town Meeting as part of the comprehensive plan. Mr. Hays noted there are issues with boats discharging septic waste into Quahog Bay that he is investigating and looking to develop possible solutions, including posting "No Discharge Zone" signs.

Seaweed harvesters lost 1200 pounds of seaweed from Quahog Bay due to contamination. Mr. Hays stated the mooring field at the Town's Pott's Point dock is too large and the existing float can accommodate 18 boat tie ups but there's an average of 22 boats that tie up. This creates problems for shared use of the site and solutions are being explored, including limiting the size of boats that can tie up, requiring permits, adding floats etc. Mr. Hays noted how so many Town committee objectives are interrelated.

**12. Review Graveyard Point Town Property:** Chairman Henderson stated the mission of the Town Lands Committee includes monitoring Town properties and the Committee has suggested reviewing Graveyard Point and the issues with the retaining wall that encroaches on Town property. Chairman Henderson suggested following a similar procedure as was done on the Tide Mill Cove Landing site. Administrator Eiane questioned the Board's position regarding removal of the retaining wall. Chairman Henderson suggested that decision may be determined throughout the process. Deputy Administrator Sawyer stated the process can be lengthy with surveying work, abutter meetings and landscape work. The Board agreed at this point, no funding should be added in the 2011 budget for removal of the wall until the process is completed and evaluated. Selectman Multer did suggest possibly considering building a reserve; Administrator Eiane suggested the Town Facilities reserve may be an option.

**13. Public Participation Request C. Matthew Rich:** Matt Rich complimented the Town on its website and maintaining current information. Mr. Rich stated there are a number of issues with Comcast and encouraged the Board to consider consolidating the complaints and get information, i.e. how to address days of lost service, out to the public. Mr. Rich stated that the Town hired a consultant, Robert Gerber, who studied certain transects as proposed on the FEMA maps, resulting in different conclusions. More transects need to be done and the Town should consider negotiating a lower rate for consulting work for its residents. Mr. Rich suggested that instead of planning for a 2% raise across the board for Town employees, pay scales should be created, including a merit and COLA pool and certain positions should be capped. Mr. Rich stated people in Town expressed a strong interest in the Cedar Beach situation and there has been no recent communication and the Board should provide an update on the status. Chairman Henderson agreed that a status report should be provided at the next meeting. Selectman Multer noted the 2% raise is not automatic as employees (non-union) are subject to review and determination. The Board discussed the topic of pay step ranges. Chairman Henderson stated that Mr. Gerber's expertise benefited the Town by more than just the specific transect information as FEMA appears to have agreed to apply his methodology Town-wide. Chairman Henderson could consider a forum in the future, if necessary, regarding the flood issues to allow individuals to pool resources for consulting on private areas.

**14. Consider Grant Application to Midcoast Regional Weatherization and Energy Efficiency Initiative (MRWEED):** Removed from the agenda.

**15. Consider Right-of-Way Discovery Grant Application:** Deputy Administrator Sawyer explained this grant application is for \$2,500 to investigate and further pursue public rights of way. The application includes both the Town's Hildreth Road property and Graveyard Point and the Board agreed to keep Hildreth Road the first priority and Graveyard second. In addition, Chairman Henderson suggested budgeting some funds to assure both projects get completed. Chairman Henderson moved, seconded by Selectman Wallace to authorize the Town Administrator to apply for the Right-of-Way Discovery Grant as presented; motion passed 3-0.

**16. Appointments for November 2 Election:** Chairman Henderson moved, seconded by Selectman Wallace to appoint Susan Lowery, Megan Hubbard, Janet Coombs as wardens for November 2; Joyce Thomas, Patricia Leary, Lou Brown, Thomas Rothwell, Melissa Moretti as deputy wardens for November 2; Joanne Harris as election/ballot clerk for November 2; Susan Lowery as deputy warden for November 1; Carol Jean Richter as election/ballot clerk for November 1; and Janet Coombs as warden for November 1; motion passed 3-0.

**17. Other Business:** Administrator Eiane reported the Road Commissioner is seeking approval to replace a culvert in the Lane Road area with a 10" culvert (due to ledge). Selectman Wallace stated he preferred to visit the site prior to approving.

**18. Authorization of the Warrant:** Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #69 in the amount of \$661,792.25; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #70 in the amount of \$13,998.50; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #42 in the amount of \$14,313.22 was noted for the record.

**19. Adjournment:** The meeting adjourned by unanimous vote at 8:40 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report

[Attachments are available at the Town Clerk's Office or by email at [harpswell@town.harpswell.me.us](mailto:harpswell@town.harpswell.me.us)]